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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who provided humanity with Heaven's best gift, thank You for loving us even when we don't deserve it. Forgive us when we take Your gifts for granted and fail to bless others from the overflow of Your bounty.

Slow us down, Lord. Help us to find the time to experience life's wonders. Teach us to pause and consider the starry heavens or to pluck a rose or to say I love You.

Strengthen Your Senators for today's issues. May they labor for You. Give them an awareness of their accountability to You for the decisions they make. Quiet the tempest within and give them Your peace.

We pray this in Your serene Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will conduct a period of morning business until 10:30 a.m., with the first half of the time under the control of Senator DASCHLE or his designee, and the second half under the control of the majority leader or his

designee. Following morning business, the Senate will resume consideration of S. 1637, the JOBS bill. At 11:30 a.m., the Senate will vote on the motion to invoke cloture on the motion to recommit. It is my hope that cloture will be invoked and we can finish the bill this week.

I encourage my colleagues on the other side of the aisle to vote for cloture so we can expedite consideration of this bill. I reiterate that we are prepared to consider amendments relating to the underlying legislation. Given the time-sensitive nature of this bill, I ask my colleagues to rethink their desire to hold up the bill with unrelated issues. It is time to pass this bill, and I hope the Senate will act accordingly.

The first rollcall vote will therefore occur at 11:30 a.m., and that vote will be on the motion to invoke cloture on the motion to recommit the bill.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Democratic whip is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I know the Democratic leader is going to make a statement, and I don't know if the majority leader is going to make one. I am wondering if I could ask unanimous consent that the majority and minority have a full half hour on each side today, irrespective of the statements of the two leaders.

Mr. FRIST. Without objection, and I will not be making a statement this morning and would recommend that we go straight to morning business at the appropriate time.

The PRESIDENT pro tempore. It is the Chair's understanding that there be a full hour equally divided, following the comments of the leadership; is that correct?

Mr. REID. That is right.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for a full hour until 10:30 a.m. or such time that may expire, with the Democratic leader or his designee in control of the first half of the time, and the majority leader or his designee in control of the remaining time.

Who yields time?

The Democratic leader is recognized. Does the Senator use his leadership time at this time?

Mr. DASCHLE. Mr. President, that is my intention.

The PRESIDENT pro tempore. The Senator is recognized.

WAR ON TERRORISM

Mr. DASCHLE. Mr. President, I come to the floor today to discuss our Nation's effort in the war on terrorism.

Tens of thousands of American soldiers have placed their lives on the line to fight this war, and its outcome affects the security of every American. No one doubts our troops have performed courageously and effectively in this war. The entire world saw how quickly they were able to topple the Taliban in Afghanistan. Less visible, yet certainly no less significant, is the fact that they are taking the fight to terrorists in scores of other countries around the world.

While there is no question about how our troops have performed in the war on terror, there are a growing number of questions about our Government's policies in this critical struggle

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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against al-Qaida and other terrorists. These questions are being raised by the families of the nearly 3,000 victims of the heinous terrorist acts on September 11. These questions are being raised by the bipartisan 9/11 Commission which is currently holding public hearings to understand the events surrounding that terrible day. And most recently, questions are being raised by former Bush administration officials with firsthand knowledge of the administration's counterterrorism efforts.

The responsibility for getting answers to questions surrounding the tragic events of September 11 rests with the 9/11 Commission. Therefore, the importance of cooperating with the Commission simply cannot be overstated. Only with complete cooperation will the Commission be able to produce a report that explains how these attacks occurred in the first place, and what can be done to reduce the likelihood of future attacks. Only with complete cooperation can the Commission produce the kind of report that our families, our troops, and the American people deserve.

While the former Clinton administration officials have cooperated fully with the Commission, for some reason, the Bush administration's record on access to officials and documents is, in a word, unsatisfactory. As a result, I am confident the Commission and the American people will get a full picture of the Clinton administration's activities against al-Qaida. All Americans will have an opportunity to evaluate both the things the Clinton administration did right and the things it may have done wrong.

Unfortunately, unless senior Bush administration officials have an immediate change of heart, I am much less confident the same can be said about their activities. If the Bush administration is truly serious about allowing the Commission to examine its actions against al-Qaida before September 11, it must provide answers to the following questions: Was defeating al-Qaida the Bush administration's top national security priority before September 11?

Although both Clinton administration officials and the intelligence community repeatedly warned the Bush administration that al-Qaida posed an immediate threat to America, accounts indicate defeating al-Qaida was not, in fact, the administration's top priority. The President's most senior advisers did not meet to discuss terrorism until September of 2001, 9 months after the administration took office. In fact, some senior Bush officials reportedly believed the Clinton administration was obsessed with al-Qaida. According to both former Treasury Secretary O'Neill and Richard Clarke, the President's top counterterrorism expert, President Bush and senior administration officials viewed Iraq as a greater threat to our security.

Did the Bush administration have a strategy for defeating al-Qaida prior to

September 11? Reportedly, the Bush administration was unsatisfied with the Clinton administration's approach for dealing with al-Qaida, and the President requested a new strategy.

Dr. Rice recently wrote in the *Washington Post* that "the President wanted more than occasional retaliatory cruise missile strikes. He was . . . tired of swatting flies."

However, even as the administration was being told that the threat posed by al-Qaida was growing, press accounts indicated President Bush did not see, let alone approve or implement, the new strategy until after the terrible attacks on September 11.

The American people need to know what really happened. What did the Bush administration do before September 11 to defeat al-Qaida? During the nearly 9 months it took the administration to develop and sign off on a terrorism strategy, it does not appear the Bush administration took any decisive or effective action to cripple al-Qaida.

Perhaps the most potentially significant action the administration took prior to September 11 was in May of 2001.

At that time, reportedly in response to an increase in "chatter" about a potential al-Qaida attack, President Bush appointed Vice President CHENEY to head a task force "to combat terrorist attacks on the United States."

But, according to *The Washington Post* and *Newsweek*, the Cheney Terrorism Task Force never met. The American people need to know whether this is true.

Did the Bush administration commit adequate resources necessary to defeat al-Qaida prior to September 11?

In the months before September 11, Attorney General Ashcroft listed the Justice Department's top objectives. According to this document, the Attorney General listed at least a dozen objectives that were more important than fighting al-Qaida and terrorism.

And in his September 10, 2001, submission to OMB, Attorney General Ashcroft did not endorse FBI requests for \$58 million for 149 new counterterrorism agents, 200 intelligence analysts, and 54 translators even while he approved spending increases for 68 programs not related to counterterrorism.

Even in the immediate aftermath of September 11, press reports indicate the White House budget office cut the Department of Justice's funding requests by nearly two-thirds.

It might be that the Attorney General has a good explanation for why the other items on his list were higher priorities than terrorism. There might be a good explanation why the Attorney General did not support the FBI request for these funds. The American people need to know why this happened.

Finally, did the Bush administration's apparent focus on Saddam Hussein detract from efforts to defeat al-Qaida and leave America less secure?

Paul O'Neill and Richard Clarke are very different people with different backgrounds and experiences. Yet both have spent the majority of their public lives serving Republican Presidents and both had an insider's vantage point on the current administration's security policies and priorities.

And both agree that from the very beginning of this administration through the terrible events of September 11 and beyond, President Bush and his senior advisors were fixated on Iraq.

O'Neill revealed that at the very first meeting in January 2001 of the President and his senior national security advisors, these officials discussed what to do about Iraq—not terrorism.

Mr. Clarke's observations confirm Secretary O'Neill's assessment.

According to Clarke, after failing to get a Cabinet level meeting to discuss terrorism, administration officials relented and permitted a deputies meeting in April 2001.

At this meeting, Deputy Defense Secretary Wolfowitz argued that Iraq posed a terrorist threat at least as grave as al-Qaida.

Even after September 11, both Defense Secretary Rumsfeld and Deputy Secretary Wolfowitz reportedly made the case that the administration should use the attacks of September 11 as a reason to invade Iraq.

In Secretary Rumsfeld's case, the reason was that there were no good targets in Afghanistan.

If the administration's focus on Iraq appears to be coming clearer, so too are the consequences—for our troops, their families, and our security.

In the debate leading up to the authorization of the use of force against Iraq, a number of us sought administration assurances that action against Iraq would not harm our efforts to capture bin Laden and destroy al-Qaida; would not shift the focus from those responsible for September 11 to a less immediate threat; would not drain away much-needed intelligence analysts, translators, and certain military assets in short supply; would not inflame the Arab world and alienate our allies and others whose cooperation was essential if we were to prevail in the war on terrorism.

Even at the time, we were amazed at the swiftness and certainty of the administration's response. Far from harming our efforts in the war on terrorism, the administration repeatedly insisted that attacking Iraq would help them.

Unfortunately, like so many other predictions advanced by the administration as it made the case for invading Iraq, these assertions have not been borne out.

Osama bin Laden is still at large.

No one can deny that vital intelligence collection, intelligence analysts and special forces were shifted away from Afghanistan and directed to Iraq.

And no one can deny that our credibility and standing in the Arab world

and with our allies and others have suffered greatly as a result of the decision to attack Iraq based on an apparently false claim that it possessed weapons of mass destruction.

As a result, even the administration has been forced to back off just a bit from some of the bolder claims it made before the start of the war in Iraq.

In a much discussed memo released late last year, Secretary Rumsfeld wondered whether we were winning or losing the war on terror:

Are we capturing, killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting, training and deploying against us?

At a minimum, the administration's missteps in Iraq have greatly complicated the answer to this question, and attacking Iraq, at least in the short to medium term, may have made Americans less secure, not more, against terrorist threat.

The American people need to know whether attacking Iraq has helped our efforts against al-Qaida and made them more secure.

These are the critical questions currently confronting this administration.

Unfortunately, while the administration has chosen to make its accomplishments in the war on terror a centerpiece of its re-election campaign, it has resisted telling the American people precisely what it did and did not do to win this war.

It has resisted allowing the 9/11 Commission access to the policymakers and documents that can provide some answers.

It has refused to provide the families of the victims of September 11 and the American people with the information they deserve so they can judge for themselves the administration's record.

Rather than attacking those who raise questions about the administration's policies, President Bush and senior administration officials should do all they can to clear up these troubling questions.

The first step is to make themselves and any supporting documents immediately available to the 9/11 Commission, which is running up against a deadline for its important work of ensuring the American people that we do everything possible to prevent another September 11.

This includes having National Security Advisor Condoleezza Rice testify publicly. It also includes having the President and Vice President appear privately before the full commission for as long as needed to clear up these critical issues.

America's soldiers have performed heroically in the defense of their Nation. All America stands united in our pride and gratitude for their service.

In order to be certain our Government has done and is doing all it can to defend us, Americans have a right to know more about our Government's priorities and actions in the months leading up to the attacks of September 11.

Americans have placed the security of this Nation in the hands of this administration.

That trust is a privilege, and alongside it comes the obligation to answer the questions and concerns of the American people.

To continue to refuse the 9/11 Commission's requests and to criticize those who raise legitimate questions about its actions merely adds to the doubt felt by an increasing number of Americans.

It is time for the administration to honor our citizens' right to know.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, we have three who wish to speak in morning business on our side: Senator STABENOW, Senator CORZINE, and Senator CANTWELL. I ask unanimous consent that on our side they be allotted 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is permitted to allocate his time.

The Senator from Michigan is recognized for 10 minutes.

MEDICARE SOLVENCY

Ms. STABENOW. Mr. President, I rise today to express tremendous concern about the latest news regarding the Medicare trust fund and the solvency of the trust fund. We are now hearing that Medicare, in fact, will become insolvent 7 years sooner than we had been told last year.

During the time between last year and this year, there has been a Medicare bill passed by the Senate. I believe there is a direct correlation between what was passed, which I have deep concerns about, and the new number we are hearing about Medicare being jeopardized and becoming insolvent 7 years sooner.

We know that in the bill that was passed last year, there were payments for the first time to private plans so they could compete with traditional Medicare. We know that, according to the Congressional Budget Office, it in fact has cost 13.2 percent more for the private sector through Medicare+Choice to provide the very same services as traditional Medicare. Rather than saying we should go, then, with the most cost-effective way to provide health care services for seniors and use traditional Medicare, the response, unfortunately, from the Congress and the President was to subsidize private insurance companies and HMOs so they could compete more favorably.

Originally, it was \$14 billion taken away from providing prescription drug coverage for seniors, helping to pay for their medicine, taking those dollars away from other preventive services that could be paid for, other direct services that could be given to our sen-

iors, and it was put into providing subsidies for the private sector.

Now we see in the new numbers how all of this has changed with the revelation of the tremendous increase in the cost of the Medicare bill which we were told after it passed. We are now told the first estimate of \$14 billion being diverted is now really \$46 billion being diverted—\$46 billion not going to pay for our seniors receiving help with their medicine, to afford their medicine through Medicare, but being diverted to essentially privatize or help private plans be able to compete because it costs more to provide Medicare coverage and prescription drug coverage under private plans. We see greater costs there.

Then right at the time we need to be doing everything possible to leverage and lower our costs, we know this Medicare prescription drug bill actually says in the middle of the bill that Medicare is not allowed to group purchase, to get bulk discounts, which is astounding. Every time I say that to a group of people at home in Michigan, they look at me in bewilderment: What in the world were you thinking that you would not try to get the best possible price through a bulk discount? Yet we know that one of the reasons there is increased costs in this bill is because they are not doing bulk purchasing.

Why are they not doing bulk purchasing? Because the pharmaceutical industry does not want that to be done. They do not want us to get lower prices. They want us to pay the highest possible prices. So, unfortunately, this bill says that, which is another reason why I opposed the passage of the Medicare bill.

Over and over we are seeing situations unravel that cause me great concern, not only about the new dollar amount, the new substance in this bill, but also about the process that brought us to the passage of the Medicare bill. I will speak now to some of what we have been hearing and reading in recent days and weeks.

The Government's top expert on Medicare costs was warned he would be fired if he told key lawmakers about a series of Bush administration cost estimates that could have torpedoed congressional passage of the White House-backed Medicare prescription drug plan. This was written on March 12 of this year, just last week, in the Miami Herald. We know there were new estimates, new actual costs that were identified, and we were not told about them before the passage of this bill.

We know that between November 20 and 24 of last year, administration officials repeatedly stated without qualification that the prescription drug bill "will not cost more than \$400 billion over 10 years." In making these representations, administration officials relied on CBO estimates without citing the conflicting estimates from their own analysts. This comes from a special report Health and Human Services